Construction Contract for: Replace Boiler and Boiler Stack Montgomery AL The Solicitation

Table of Contents

- I. General Information
 - A. The Solicitation and Contract
 - B. List of Solicitation Documents
 - C. Authorized Representatives
 - D. Pre-Proposal Conference
 - E. Estimated Price Range
 - F. FAR 52.228-1 Bid Guarantee
 - G. FAR 52.236-27 Site Visit Construction
 - H. Receipt of Offers

II. Proposals

- A. Proposal Contents
- B. Proposal Format
- C. Price Proposal
- D. Other Information to Submit with Proposal

III. General Provisions

- A. Availability of Funds
- B. Notice to Small Business Firms
- C. Affirmative Procurement Program
- D. Contractor Performance Information
- E. Safeguarding Documents Designated as Sensitive But Unclassified

IV. FAR/GSAR Solicitation Provisions

- A. FAR 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR 101-29
- B. FAR 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Items Description
- C. FAR 52.216-1 Type Of Contract
- D. FAR 52.222-5 Construction Wage Rate Requirements-Secondary Site of Work
- E. FAR 52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction
- F. FAR 52.225-10 Notice of Buy American Requirement-Construction Materials
- G. Buy American Exceptions
- H. FAR 52.252-1 Solicitation Provisions Incorporated by Reference
- I. GSAR 552.102 Incorporating Provisions and Clauses by Reference
- J. Additional Provisions
 - (i) GSAR 552.236-74, Evaluation of Options (Mar 2019)
 - (ii) GSAR 552.236-75, Evaluation Exclusive of Options (Mar 2019)
 - (iii) GSAR 552.236-76 Basis of Award Sealed Bidding Construction (Mar 2019)
 - (iv) GSAR 552.236-77 Government's Right to Exercise Options (Mar 2019)
- K. Certified Cost or Pricing Data

V. Clauses

A. FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)

Document: DB201A-8(a)/AUGUST 2019 (The Solicitation)

- B. GSAR 552.204-70, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. (DEVIATION I) (AUG 2019)
- C. FAR 52.219-18 Notice of Competition Limited to Eligible 8(a) Participants
 - D.FAR 52.223-21, FOAMS (Jun 2016)
 - E.FAR 52.222-62 Paid Sick Leave Under Executive Order 13706
 - F. Security Requirements
 - G. Additional Clauses
 - (i) GSAR Clause 552.211-10 Commencement, Prosecution and Completion of Work (Mar 2019)
 - (ii). GSAR Clause 552.211-12, Liquidated Damages-Construction (Mar 2019)
 - (iii). GSAR Clause 552.211-13, Time Extensions (Mar 2019)
 - (iv). GSAR Clause 552.211-70, Substantial Completion
 - (v). GSAR Clause 552.232-5, Payment Under Fixed Price Construction Contracts (Mar 2019)
 - (vi). GSAR Clause 552.236-6, Superintendence by the Contractor (Mar 2019)
 - (vii). GSAR Clause 552.236-11, Use and Possession Prior to Completion (Mar 2019)
 - (viii). GSAR Clause 552.236-15, Schedules for Construction Contracts (Mar 2019)
 - (ix). GSAR Clause 552.236-21, Specifications and Drawings for Construction (Mar 2019)
 - (x). GSAR Clause 552.236-70, Authorities and Limitations (Mar 2019)
 - (xi). GSAR Clause 552.236-71, Contractor Responsibilities (Mar 2019)
 - (xii). GSAR Clause 552.236-72, Submittals (Mar 2019)
 - (xiii) GSAR Clause 552.236-73, Subcontracts (Apr 1984)
 - (xiv). GSAR Clause 552.243-71, Equitable Adjustments (Mar 2019)
- VI. Method Of Award

Notice of Small Business/8(a) Set-Aside

The General Services Administration (GSA) is setting aside the contract under 552.219-74, Section 8(a) Direct Award found in the Agreement.

I. General Information

I.A. The Solicitation and Contract

- (1) This Solicitation sets forth requirements for proposing for a Sole Source Contract under the Small Business Administration 8(a) program to construct the Project described in the attached Agreement.
- (2) Neither the Solicitation nor any part of an Offeror's proposal shall be part of the Contract except to the extent expressly incorporated therein by the Contracting Officer.
- (3) The Offeror's proposal submitted in response to this Solicitation shall constitute a firm offer. No contract shall be formed unless and until the Contracting Officer has countersigned the SF 1442 submitted by an Offeror, and delivered to the Contractor a copy of the SF 1442 with original signatures together with the Agreement reflecting the Offeror's proposed prices.

I.B. List of Solicitation Documents

The Solicitation Documents are comprised of:

- (1) The Solicitation
- (2) Offeror Representations and Certifications Form
- (3) Standard Form (SF) 1442 Solicitation Offer and Award
- (4) The Agreement
- (5) The Statement of Work, Specifications, Drawings, Exhibits, and Agreement attachments.

I.C. Authorized Representatives

The following individuals are designated as the authorized GSA representatives under this Solicitation:

| Authorized Representative Information: | | |
|---|--|--|
| Contracting Officer's Information | | |
| Name: Endya Lemon | | |
| Address: 77 Forsyth St SE, Atlanta GA 30303 | | |
| Telephone: 404-491-5193 | | |

Document: DB201A-8(a)/AUGUST 2019

(The Solicitation)

| Authorized Representative Information: | | |
|---|--|--|
| Email: endya.lemon@gsa.gov | | |
| | | |
| | | |
| Alternate POC Information | | |
| Name: Davy Nix | | |
| Address: 77 Forsyth St SE, Atlanta GA 30303 | | |
| Telephone: 678-435-6545 | | |
| Email: davy.nix@gsa.gov | | |

I.D. Pre-Proposal Conference A joint pre-proposal meeting and Site Investigation will be held by the GSA Project Manager at the building. Date/time to be coordinated with contractor.

I.E. Estimated Price Range

The estimated price range for the Project is between \$750,000 and \$1,500,000.

I.F. FAR 52.228-1 Bid Guarantee (Sep 96)

- (a) Failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.
- (b) The bidder shall furnish a bid guarantee in the form of a firm commitment, *e.g.*, bid bond supported by good and sufficient surety or sureties acceptable to the Government, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The Contracting Officer will return bid guarantees, other than bid bonds—
 - (1) To unsuccessful bidders as soon as practicable after the opening of bids; and
- (2) To the successful bidder upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the bid as accepted.
- (c) The amount of the bid guarantee shall be 20 percent of the bid price or \$3,000,000, whichever is less.
- (d) If the successful bidder, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or furnish executed

Document: DB201A-8(a)/AUGUST 2019 (The Solicitation)

bond(s) within 10 days after receipt of the forms by the bidder, the Contracting Officer may terminate the contract for default.

(e) In the event the contract is terminated for default, the bidder is liable for any cost of acquiring the work that exceeds the amount of its bid, and the bid guarantee is available to offset the difference.

I.G. FAR 52.236-27 Site Visit - Construction (Feb 95)

(1) The clauses at FAR <u>52.236-2</u>, Differing Site Conditions, and FAR <u>52.236-3</u>, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, Offerors are urged and expected to inspect the site where the work will be performed.

A joint pre-proposal meeting and Site Investigation will be held by the GSA Project Manager at the building. Date/time to be coordinated with contractor.

I.H. Receipt of Offers

(1) In order to be considered for award, offers conforming to the requirements of the Solicitation must be received at the following office no later than 4:00 pm local time on the following date and at the following address.

Date: May 1, 2020

Address: Submit proposal documents via email to davy.nix@gsa.gov

II. Proposals

II.A. Proposal Contents

Proposals shall consist of the following documents, completed and executed in accordance with this Solicitation:

- Price Proposal
- 2. Technical Proposal
- 3. Representations and Certifications
- 4. Standard Form 24, Bid Bond
- 5. GSA Form 527 Contractor's Qualification and Financial Information
- 6. Signed 1442 (included with solicitation Documentation

II.B. Proposal Format

Only one electronic copy is required. No hard copies.

II.C. Price Proposal

(1) Contents

Document: DB201A-8(a)/AUGUST 2019 (The Solicitation)

Submit SF 1442 with price.

The Price Proposal shall consist of the SF 1442 and the Agreement, with prices and/or rates indicated for each price element shown on the pricing form included in Section II of the Agreement. Indicate the Base Contract Price, or if no such distinction is made, the Contract Price, in Block 17 of the SF 1442, which must be fully executed by the Offeror.

(2) Additional Proposal Requirements

Technical proposal to submit plan for executing the work and list of proposed subcontractors.

II.D. Other Information to Submit with Proposal

(1) Representations and Certifications

Offerors are reminded their SAM registration status must be "Active", at the time their offer is submitted, to be considered for award (see 52.204-7). Offerors submitting a proposal in response to this Solicitation shall complete electronic Annual Representations and Certifications in conjunction with required Entity registration in System for Award Management (SAM), accessed via System for Award Management. Offerors shall also submit with their proposal, the Annual Representations and Certifications (FAR 52.204-8), using the attached Offeror's Representations and Certifications (C301-SAT).

III. General Provisions

III.A. Availability of Funds

Issuance of this Solicitation does not warrant that funds are presently available for award of a Contract. Award of the contract shall be subject to the availability of appropriated funds, and the Government shall incur no obligation under this Solicitation in advance of such time as funds are made available to the Contracting Officer for the purpose of contract award.

III.B. Notice to Small Business Firms

A program for the purpose of assisting qualified small business concerns in obtaining certain bid, payment, or performance bonds that are otherwise not obtainable is available through the Small Business Administration (SBA) (Small Business Administration). For information concerning SBA's surety bond guarantee assistance, contact your SBA District Office.

III.C. Affirmative Procurement Program

GSA has implemented an Affirmative Procurement Program (APP) intended to maximize the use of recovered materials, environmentally preferable, and bio-based products. Offerors should familiarize themselves with the requirements for using and reporting on the use of such materials in performance as set forth in the Agreement. Refer to Clause FAR 52.223-10 encouraging vendors to practice waste reduction.

III.D. Contractor Performance Information

(1) Evaluating Contractor Performance: The General Services Administration is using the Contractor Performance Assessment Reporting System (CPARS) module as the secure, confidential, information management tool to facilitate the performance evaluation process.

CPARS enables a comprehensive evaluation by capturing comments from both GSA and the contractor. The website for CPARS is Contractor Performance Assessment

Completed CPARS evaluations are sent to the Past Performance Information Retrieval System (PPIRS) which may then be used by Federal acquisition community for use in making source selection decisions. PPIRS assists acquisition officials by serving as the single source for contractor past performance data.

- (2) CPARS Registration: Each award requiring an evaluation must be registered in CPARS. The contractor will receive several automated emails. Within thirty days of award, the contractor will receive an e-mail that contains user account information, as well as the applicable contract and order number(s) assigned. Contractors will be granted one user account to access all evaluations.
- (3) Contractor CPARS Training: Contractors may sign up for CPARS training. A schedule of classes will be posted to the CPARS training site (<u>CPARS Training</u>) and updated as needed.
 (4) Contractor Representative (CR) Role: All evaluations will be sent the Contractor Representative (CR) named on your award. The CR will be able to access CPARS to review and comment on the evaluation. If your CR is not already in the CPARS system, the contracting officer will request the name and email address of the person that will be responsible for the CR role on your award.

Once an evaluation is ready to be released the CR will receive an email alerting them the evaluation is ready for their review and comment. The email will indicate the time frame the CR has to respond to the evaluation; however, the CR may return the evaluation earlier than this date.

GSA shall provide for review at a level above the contracting officer (i.e., contracting director) to consider any disagreement between GSA and the contractor regarding GSA's evaluation of the contractor. Based on the review, the individual at a level above the contracting officer will issue the ultimate conclusion on the performance evaluation.

Copies of the evaluations, contractor responses, and review comments, if any, will be retained as part of the contract file.

III.E. Safeguarding Documents Designated as Sensitive But Unclassified

Certain information contained in the Solicitation Documents may have been designated as Sensitive but Unclassified (SBU) building information. With respect to such information, Offerors shall agree to the terms for receipt of such information, as set forth in the provision "Administrative Matters" in Section III of the Agreement, as a condition of receipt of such information.

IV. FAR/GSAR Solicitation Provisions

IV.A. FAR 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (AUG 98)

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to—

GSA Federal Supply Service Specifications Section, Suite 8100 470 East L'Enfant Plaza, SW Washington, DC 20407

Telephone (202) 619-8925 Facsimile (202) 619-8978

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

IV.B. FAR 52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (JUN 1988)

(Applicable to solicitations that cite specifications not listed in the Index and are not furnished with the solicitation)

- (a) The specifications cited in this solicitation may be obtained from: GSA Specifications Unit at (202) 755-0325. MIL Specifications may be obtained by calling (215) 697-2179.
- (b) The request should identify the solicitation number and the specification required by date, title, and number as cited in the solicitation.

IV.C. FAR 52.216-1 Type of Contract (APR 84)

The Government contemplates award of a Firm-Fixed-Price contract resulting from this solicitation.

IV.D. FAR 52.222-5 Construction Wage Rate Requirements—Secondary Site of the Work (MAY 14)

- (a)(1) The offeror shall notify the Government if the offeror intends to perform work at any secondary site of the work, as defined in paragraph (a)(1)(ii) of the FAR clause at 52.222-6, Construction Wage Rate Requirements, of this solicitation.
- (2) If the offeror is unsure if a planned work site satisfies the criteria for a secondary site of the work, the offeror shall request a determination from the Contracting Officer.
- (b)(1) If the wage determination provided by the Government for work at the primary site of the work is not applicable to the secondary site of the work, the offeror shall request a wage determination from the Contracting Officer.
- (2) The due date for receipt of offers will not be extended as a result of an offeror's request for a wage determination for a secondary site of the work.

IV.E. FAR 52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FEB 1999)

(Applicable to solicitations resulting in construction contracts in excess of \$10,000.)

- (a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.
- (b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

[CO Note: Locality goals can be found at Participation Goals]

| Goals for Minority Participation for Each Trade | Goals for Female Participation for Each Trade |
|---|---|
| 29.9% | 6.9% |

These goals are applicable to all of the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the Federal Register in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

- (c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction," and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.
- (d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the--
 - (1) Name, address, and telephone number of the subcontractor;
 - (2) Employer's identification number of the subcontractor:
 - (3) Estimated dollar amount of the subcontract;
 - (4) Estimated starting and completion dates of the subcontract; and
 - (5) Geographical area in which the subcontract is to be performed.
- (e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is:

IV.F. FAR 52.225-10 Notice of Buy American Requirement—Construction Materials. (MAY 2014)

(a) *Definitions*. "Commercially available off-the-shelf (COTS) item," "construction material," "domestic construction material," and "foreign construction material," as used in this

provision, are defined in the clause of this solicitation entitled "Buy American—Construction Materials" (Federal Acquisition Regulation (FAR) clause <u>52.225-9</u>).

- (b) Requests for determinations of inapplicability. An offeror requesting a determination regarding the inapplicability of the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR <u>52.225-9</u> in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.
 - (c) Evaluation of offers.
- (1) The Government will evaluate an offer requesting exception to the requirements of the Buy American statute, based on claimed unreasonable cost of domestic construction material, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(3)(i) of the clause at FAR <u>52.225-9</u>.
- (2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.
 - (d) Alternate offers.
- (1) When an offer includes foreign construction material not listed by the Government in this solicitation in paragraph (b)(2) of the clause at FAR <u>52.225-9</u>, the offeror also may submit an alternate offer based on use of equivalent domestic construction material.
- (2) If an alternate offer is submitted, the offeror shall submit a separate <u>Standard Form 1442</u> for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of the clause at FAR <u>52.225-9</u> for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.
- (3) If the Government determines that a particular exception requested in accordance with paragraph (c) of the clause at FAR <u>52.225-9</u> does not apply, the Government will evaluate only those offers based on use of the equivalent domestic construction material, and the offeror shall be required to furnish such domestic construction material. An offer based on use of the foreign construction material for which an exception was requested—
 - (i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or
 - (ii) May be accepted if revised during negotiations.

IV.G. Buy American Exceptions

For Buy American exceptions, if any, see the applicable Buy American clause in Section IV of the Agreement

IV.H. FAR 52.252-1 Solicitation Provisions Incorporated by Reference (FEB 98)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address:

Federal Acquisition Regulation

| NUMBER | TITLE | DATE |
|-----------|---|--------|
| 52.214-34 | Submission of Offers in the English | APR 91 |
| | Language | |
| 52.215-16 | Facilities Capital Cost of Money | JUN 03 |
| 52.236-28 | Preparation of Proposals - Construction | OCT 97 |

IV.I. GSAR Clause 552.102 Incorporating Provisions and Clauses

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

IV.J. Additional Provisions

IV.K. Requiring Certified Cost or Pricing Data [15.403-4]

CO will require certified pricing data

V. Instructions and Clauses

V.A. FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)

(a) <u>Definitions</u>. As used in this clause— <u>Covered foreign country</u> means The People's Republic of China.

Covered telecommunications equipment or services means-

- (1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
- (2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology

Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

- (3) Telecommunications or video surveillance services provided by such entities or using such equipment; or
- (4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Critical technology means-

- (1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;
- (2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—
- (i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or
- (ii) For reasons relating to regional stability or surreptitious listening;
- (3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);
- (4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);
- (5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or
- (6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

<u>Substantial or essential component</u> means any component necessary for the proper function or performance of a piece of equipment, system, or service.

- (b) <u>Prohibition</u>. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in Federal Acquisition Regulation 4.2104.
- (c) Exceptions. This clause does not prohibit contractors from providing—
 - (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(d) Reporting requirement.

- (1) In the event the Contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Contractor is notified of such by a subcontractor at any tier or by any other source, the Contractor shall report the information in paragraph (d)(2) of this clause to the Contracting Officer, unless elsewhere in this contract are established procedures for reporting the information; in the case of the Department of Defense, the Contractor shall report to the website at https://dibnet.dod.mil. For indefinite delivery contracts, the Contractor shall report to the Contracting Officer for the indefinite delivery contract and the Contracting Officer(s) for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at https://dibnet.dod.mil.
- (2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause:
 - (i) Within one business day from the date of such identification or notification: the contract number; the order number(s), if

- applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.
- (ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: any further available information about mitigation actions undertaken or recommended. In addition, the Contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.
- (e) <u>Subcontracts</u>. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items. (End of clause)

Note: The representation in GSAR 552.204-70 does not need to be completed by the offeror prior to award.

V.B. GSAR 552.204-70, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. (DEVIATION I) (AUG 2019)

- (a) *Definitions.* As used in this clause"Covered telecommunications equipment or services", "Critical technology", and "Substantial or essential component" have the meanings provided in FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.
- (b) *Prohibition*. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Contractors are not prohibited from providing-
 - (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

- (c) Representation. [Contractor to complete and submit to the Contracting Officer] The Offeror or Contractor represents that it [] will or [] will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract, order, or other contractual instrument resulting from this contract. This representation shall be provided as part of the proposal and resubmitted on an annual basis from the date of award.
- (d) *Disclosures*. If the Offeror or Contractor has responded affirmatively to the representation in paragraph (c) of this clause, the Offeror or Contractor shall provide the following additional information to the Contracting Officer--
 - (1) All covered telecommunications equipment and services offered or provided (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);
 - (2) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
 - (3) For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and
 - (4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

(End of clause)

- V.C. FAR 52.219-18, Notification of Competition Limited to Eligible 8(a) Participants (JAN 2017)
- V.D. FAR 52.223-21, FOAMS (JUN 2016)
- V.E. FAR 52.222-62, Paid Sick Leave under Executive Order 13706 (JAN 2017)
- V.F. Security Requirements

The Project Manager will assist the contractor and his team with obtaining the required security clearances to perform work on a federal project in a federal building.

V.G. Additional Clauses

- (i) GSAR Clause 552.211-10, Commencement, Prosecution, and Completion of Work (Mar 2019)
- (ii) GSAR Clause 552.211-12, Liquidated Damages-Construction (Mar 2019)
- (iii) GSAR Clause 552.211-13, Time Extensions (Mar 2019)

- (iv) GSAR Clause 552.211-70, Substantial Completion (Mar 2019)
- (v) GSAR Clause 552.232-5, Payment Under Fixed Price Construction Contracts
 (Mar 2019)
- (vi) GSAR Clause 552.236-6, Superintendence by the Contractor (Mar 2019)
- (vii) GSAR Clause 552.236-11, Use and Possession Prior to Completion (Mar 2019) [
- (viii) GSAR Clause 552.236-15, Schedules for Construction Contracts (Mar 2019)
- (ix) GSAR Clause 552.236-21, Specifications and Drawings for Construction (Mar 2019)
- (x) GSAR Clause 552.236-70, Authorities and Limitations (Mar 2019)
- (xi) GSAR Clause 552.236-71, Contractor Responsibilities (Mar 2019)
- (xii) **GSAR Clause 552.236-72, Submittals (Mar 2019)**
- (xiii) GSAR Clause 552.236-73, Subcontracts (Apr 1984)

(xiv) GSAR Clause 552.243-71, Equitable Adjustments (Mar 2019)

VI. Method of Award

An award will be made once negotiations have been completed and all approvals obtained.